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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,211	03/22/2001	Kelly Fetzer	016741-00080	8327
22904	7590	09/30/2004		EXAMINER
LOCKE LIDDELL & SAPP LLP 600 TRAVIS 3400 CHASE TOWER HOUSTON, TX 77002-3095				WACHTEL, ALEXIS A
			ART UNIT	PAPER NUMBER
			1764	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/814,211	FETZER, KELLY
	Examiner	Art Unit
	Alexis Wachtel	1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 22 March 2001.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 2,5,6,13,14,19 and 20 is/are allowed.
- 6) Claim(s) 1,3,4,7-12 and 15-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3-22-2001</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

***Detailed Action***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,3,4 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,221,019 to Pechacek et al.

With respect to claim 1, Pechacek et al teach a system for operating a vessel comprising: at least one closure transport for removing a vessel closure from an opening in the vessel, the closure transport remotely operable (Col 2, lines 20-23); at least one joint connector (120) for sealing or unsealing the vessel, the joint connector remotely operable; at least one removal system for allowing material to be emptied from the vessel, the removal system remotely operable.

With respect to claim 3, Pechacek et al teach that the system is adapted to interface at least one structural unit. Examiner notes that joint connectors (120) interface a cover (10) with a coking vessel (V).

With respect to claim 4, Pechacek et al teach that the structural unit is a coke drum or joined to a coke drum (Col 3, lines 29-31).

With respect to claim 15, Pechacek et al teach an apparatus for removing a closure from a vessel, the apparatus comprising: a table for supporting the closure (100); a movement mechanism (100b) attached to the table for moving the table; a guiding mechanism (Col 3, lines 54-57) for guiding the table to and from the vessel.

3. Claims 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,581,864 to Rabet.

With respect to claim 7, Rabet teaches an apparatus for guiding material from a vessel comprising: a working surface having a surface opening (Fig.10) (Examiner notes that Rabet's working surface supports chute 33); at least one opening cover (28) at least partially covering the surface opening and movably attached to the working surface; a chute (33) movably stored on a side of the working surface opposite the vessel when in an undeployed position; an actuator, connected to the chute, for moving the chute from the undeployed position to a deployed position, and vice versa, wherein the chute forms a passage from an opening in the vessel through the surface opening, whereby the deploying and undeploying of the chute deploys and decommissions the opening covering.

With respect to claim 8, Rabet teaches an apparatus for guiding material from a vessel comprising: a working surface having a surface opening (Fig.10) (Examiner notes that Rabet's working surface supports chute 33); a chute (33) movably stored on a side of the working surface opposite the vessel when in an undeployed position; at least one opening cover (28) at least partially covering the surface opening and movably attached to the working surface; from the surface opening, an actuator (29a,b,c; Col 4, lines 41-44), connected to the opening cover, for moving the opening cover to and away whereby the moving of the opening cover transitions the chute from the undeployed position to a deployed position, and vice versa, wherein the chute forms a passage from an opening in the vessel through the surface opening.

With respect to claim 9, Rabet teaches an apparatus for guiding material from a vessel comprising: a chute (33); one or more cords (43) adapted to be attached to the chute for deploying or undeploying the chute; one or more actuators (47) for applying a force to the chute for either deploying or undeploying the chute.

With respect to claim 10, Rabet teaches a deck containing an aperture (Fig.10) (Examiner notes that Rabet's working surface supports chute 33), whereby the chute (33) is able to translate through the aperture upon being deployed or undeployed by the actuator; at least one floor plate (28) movingly attached to the deck and positioned to at least partially cover the aperture; whereby the deploying and undeploying of the chute opens and closes, respectively, the floor plate.

With respect to claim 11, Rabet teaches an apparatus for guiding material from a vessel comprising: a chute (33); one or more actuators (47) for applying a force to the

chute, whereby the force either deploys or undeploys the chute; a working surface containing an aperture (Fig.10) (Examiner notes that Rabet's working surface supports chute 33), whereby the chute (33) is able to translate through the aperture upon being deployed and undeployed by the actuator (47), at least one floor plate (28) movingly attached to the deck and positioned to at least partially cover the aperture; whereby the deploying and undeploying of the chute opens and closes, respectively, the floor plate.

With respect to claim 12, Rabet teaches an apparatus for guiding material from a vessel comprising: a chute (33); a working surface containing an aperture (Fig.10) (Examiner notes that Rabet's working surface supports chute 33), whereby the chute (33) is able to translate through the aperture; one or more floor supports (29a,b,c) movingly attached to the working surface and positioned over the aperture; one or more actuators (30) for applying a force to the floor supports whereby the force moves the floor supports relative to the working surface; the floor supports connected to the chute, whereby the movement of the floor supports deploys or undeploys the exit chute from the aperture. Examiner notes that the movement of the floor support away from the exit chute directly preceded the chutes deployment.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,471,739 to Fetzer.

Per claim 17: An apparatus to connect or disconnect a first (11) and second structural unit (13), both structural units having flanged hub ends (19) and longitudinal axes, the apparatus comprising: a clamping device (34) for securing the first structural unit and the second structural unit; a clamp mover (Col 3, lines 11-12) attached to the clamping device and movingly attached to the first structural unit for translating the clamping device substantially along the longitudinal axis of the first structural unit; an aligner (Col 3, lines 17), attached to the first structural unit and the clamping device, whereby the aligner aligns the clamping device with the first structural unit in a position whereby the clamping device will capture and secure the first structural unit.

Per claim 18: An apparatus to connect or disconnect a first and second structural unit, both structural units having flanged hub ends and longitudinal axes, the apparatus comprising: a clamping device (34) for securing the first structural unit and the second structural unit; a clamp mover (Col 3, lines 11-12) attached to the clamping device and movingly attached to the first structural unit for translating the clamping device substantially along the longitudinal axis of the first structural unit; an aligner (Col 3, lines 17), attached to the first structural unit and the clamping device, whereby the aligner aligns the clamping device with the second structural unit in a position whereby the clamping device will capture and secure the second structural unit.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,221,019 Pechacek et al in view of US 4,494,905 to Yamaji et al.

With respect to claim 16, Pechacek et al do not teach a restraint for restraining and securing the closure to the table. Yamaji et al teach an apparatus for stopping a truck such as a lorry car for coke oven operation at a preselected position in relation to an object such as coke oven (Abstract, Fig.1). Since the system of Pechacek et al and in particular, car (100) must operate in a spatially precise manner, it would have been obvious to one of ordinary skill to have provided car (100) with a stopping mechanism apparatus as disclosed by Yamaji motivated by the desire to prevent car (100) from engaging in spatial drift which can compromise its operation.

#### ***Allowable Subject Matter***

7. The following is a statement of reasons for the indication of allowable subject matter: claims 2,5,6,13,14,19,20 are allowable. With respect to claims 2 and 5: the closest prior art, US 4,730,850 to Takahashi teaches the claimed invention except for the use of plural clamp segments. Takahashi teaches the use of one coupling means including drive means in the form of a hydraulic cylinder (Col 4, lines 63-68). Takahashi is completely silent as to the inclusion of plural coupling means (clamp segments) in the disclosed clamp assembly of Fig. 1. In particular, an extensive apparatus redesign would have been necessitated for the successful integration of additional coupling means (clamp segments) which would require hindsight. Claim 6 is allowable for depending on claim 5. With respect to claim 13: the closest prior art, US 5,581,864 to Rabet teaches the claimed invention except for the use of a plurality of overlapping remotely operable floor plates at least partially covering the opening and movingly attached to the working surface. Rabet teaches the use of one floor plate (28) as shown in Fig.10. The one floor

plate is removed from its place by magnetic mechanisms (29a,b,c) which are designed to only handle one floor plate. Accordingly, an extensive hindsight based redesign would have been required for the successful integration of plural overlapping floor plates into the apparatus taught by rabbet. Claim 14 is allowable for depending on claim 13.

With respect to claims 19 and 20: No prior art has been found for an apparatus for transferring heat to or from a preloading mechanism in a joint connector as claimed. At best US 4,730,850 to Takahashi identifies a problem that clamp assemblies face when utilized for the transfer of very low temperature fluids such as liquefied natural gas: freezing of clamp components (Col 1, lines 50-58). However, Takahashi fails to provide a specific teaching directing one of ordinary skill to employ an apparatus for transferring heat to or from a preloading mechanism in a joint connector as claimed.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Wachtel whose telephone number is 571-272-1455. The examiner can normally be reached on 10:30am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenn Caldarola, can be reached at (571)-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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